

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

THOMAS STEFAN,

Plaintiff,

vs.

WACHOVIA, WORLD SAVINGS, and DOES 1-50,

Defendants.

Case No: C 09-2252 SBA

**ORDER**

Docket 28

On December 7, 2009, the Court granted the motion to dismiss filed by Defendant Wachovia Mortgage, F.S.B., formerly known as World Savings Bank, F.S.B. The Court ruled that Plaintiff's state law causes of action were preempted by the Home Owners Loan Act ("HOLA"), 12 U.S.C. §§ 1461, *et seq.* and that his claim for violation of due process was not cognizable, as a matter of law. (Docket 27.) Plaintiff has submitted a letter purporting to indicate his intention to file first amended complaint, though he has not yet done so. Moreover, as set forth in the Court's order of dismissal, the claims alleged by Plaintiff failed to state a claim, and that any further amendment to such claims would be futile. Accordingly, liberally construing Plaintiff's letter as a request for leave to amend, such request is DENIED. However, this order does not preclude Plaintiff from seeking relief in state court to extent he is able to allege claims that are cognizable under state law and are not preempted by HOLA.

IT IS SO ORDERED.

Dated: December 8, 2009

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 THOMAS STEFAN,

5 Plaintiff,

6 v.

7 WACHOVIA WORLD SAVINGS et al,

8 Defendant.  
9 \_\_\_\_\_/

10 Case Number: CV09-02252 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on December 9, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Thomas Stefan  
19 1528 McGee Street  
20 Berkeley, CA 94703

21 Dated: December 9, 2009

Richard W. Wieking, Clerk

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23 By: LISA R CLARK, Deputy Clerk  
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26  
27  
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